IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2709 OF 2003

IN

SUIT NO. 2556 OF 2003

HDFC Ltd ....**Plffs.**
vs.
Rajkumar I. Dadha and Ors. .....**Defnds.**

A L O N G W I T H
CHAMBER SUMMONS NO. 1276 OF 2005
IN
SUIT NO. 2556 OF 2003

HDFC Ltd ....**Plffs.**
vs.
Raja Dhadha .....**Defnds.**
AND
Mrs. Sofia Iqubal Attarwala ....**Appl.**

Sanjay Udeshi i/b. S. Udeshi and Co. for the plffs.

S.Y,. Amare for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 30th September, 2005.

P.C. :.

1. In the Chamber Summons no. 1276 of 2005 leave is granted. Applicant to take out chamber summons in terms of the draft chamber summons under High Court Rules. Chamber summons to be registered during the course of the day. Chamber summons is taken out for hearing and final disposal by consent of the parties. By consent of the parties Chamber summons made absolute interms of prayer clause (a). Amendment to be carried out by 3.10.2005. Learned counsel for the plaintiff undertakes to carry out such necessary amendment as granted by this chamber summons.

2. By consent of the parties the suit itself is placed for hearing and final disposal. By the consent of the parties the following order is passed.

(i) The added defendant no.4 states that he will pay to the plaintiff a sum of Rs.4 lacs within a period of one week from today

and the balance amount of Rs.19 lacs will be paid within 6 weeks from 7.10.2005.

(ii) In an event of failure to do so there shall be decree in favour of the plaintiffs and against the defendants of sum of Rs.23 lacs and the plaintiff will be entitled to execute the same including as against the suit flat. the decree will carry interest at the rate of 10% from the date of default in making payment till payment and/or realisation.

(iv) On the entire amount being recovered the plaintiff will hand over the title documents inrespect of the suit flat to the newly added defendant no.4. There is already an interim order appointing the court Receiver. Court Receiver will continue till the amount is duly paid in execution of the decree. In any event of the amount is paid by the added defendant no.4 the court receiver to stand discharged without passing any accounts.

(v) Suit decreed accordingly. In view of the decree passed in the suit, motion does not survive. Motion dismissed as infructious. Refund of court fees as per rules.

sd/-

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